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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/492,534	01/27/2000	Yair Frankel	PM265649	9997
909	7590	09/15/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			GREENE, DANIEL L	
		ART UNIT	PAPER NUMBER	
			3621	

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.

09/492,534

Applicant(s)

FRANKEL ET AL.

Examiner

Daniel L. Greene

Art Unit

3621

**Office Action Summary***-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 21 July 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-48 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 7/21/2005 have been fully considered but they are not persuasive. The Applicant argues that Mandler fails to disclose, teach or suggest the verification of the authentication of the message from the seller (principle entity). The Examiner disagrees because the Mandler Patent is about enabling on-line transactional services among sellers (principle entities) and buyers (subscriber entities) having no previous relationship with each other. Mandler accomplishes enabling on-line transactional services among sellers (principle entities) and buyers (subscriber entities) having no previous relationship with each other by providing a financial clearinghouse (register entity) between the buyer and seller. Mandler also provides another layer of authentication and security by adding a broker to interface between the buyers/sellers and the financial clearinghouse. As taught by Mandler, the functions of the clearinghouse and the broker are to insure the authenticity of the buyers/sellers and the security of the transactional services.

2. The Applicant further argues the realization of trustworthy acknowledgement of a stored state is certainly new and non-obvious over Mandler. This may be true, however, the Applicant does not support this new and non-obvious idea. Instead, the Applicant submits that, "For example, current on-line banking systems often authenticate a user through a proxy to the banking application but do not authenticate the bank back through a trusted party to the user. This has created a potential for fraud by bogus Web

sites...). Mandler provides for the authentication of both of the parties involved in a transaction.

***Claim Objections***

Claims 1, 43 and 46 are objected to because of the use of the term “requires”. The Applicant does not appear to establish what the requirements are that the subscriber entity requires.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-31, 33 and 35-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mandler et al. US 5,732,400 [Mandler].

As per claims 1, 43 and 46:

Mandler discloses:

the subscriber entity requesting service from the principal entity by sending a request message to a registrar entity of the plurality of entities; Fig. 4A-1, Col. 6, lines

the registrar entity verifying the subscriber entity and forwarding the request for service to the principal entity; Col. 4, lines 1-10, Col. 11, lines 14-33.

and the registrar entity verifying the authenticity of the received acknowledgement message, and, if correct, forwarding the acknowledgement message to the subscriber entity. Col. 7, lines 39-52

Mandler discloses the claimed invention except for the principal entity storing the forwarded request and transmitting an acknowledgement message to the registrar entity, the acknowledgement stating acceptance and authentication/authorization information that the subscriber entity requires for the requested service. However, Mandler teaches that it is known to have accounting packages that establishes Accounts Receivables (A/R) databases storing pertinent data. Col.10, lines 30-50. Mandler further teaches about providing instructions and rules to the main processor in how to conduct business.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the principal entity storing the forwarded request and transmitting an acknowledgement message to the registrar entity, the acknowledgement stating acceptance and authentication/authorization information that the subscriber entity requires for the requested service as taught by Mandler, since Mandler states at Col. 10, lines 53-60 that such a modification would provide the storing and transmission of data to facilitate the accounting and controls required to track and accomplish financial transactions between various parties.

As per Claim 2:

Mandler further discloses:

wherein the request message contains an indication of the type of service requested by the subscriber entity. Col. 14, lines 6-15.

As per Claim 3:

Mandler further discloses as per Col. 7, lines 3-52:

wherein the request message contains one or more of the following:

- (a) a unique reference to the subscriber entity;
- (b) attributes about the subscriber entity;
- (c) authentication information to be used to authenticate use of the service;
- (d) transactional verification information;
- (e) a representation by the subscriber entity agreeing to what the subscriber accepts;
- (f) a preferred service relationship;
- (g) a subscriber's entity's authenticator.

As per Claim 4:

Mandler further discloses:

wherein the unique reference to the subscriber entity is at least one of (a) the subscriber entity's identity, (b) a pseudonym for one-time service, and (c) a pseudonym for continued use of the service. Col. 6, lines 22-67.

As per Claim 5:

Mandler further discloses;

wherein the session identifier links future responses to this particular request.

Col. 10, lines 27-52.

As per Claim 6:

Mandler further discloses;

wherein the attributes about the subscriber include:

- (a) a self-representation; Col. 6, lines 5-67. and
- (b) a third-party representation asserting attributes. Col. 6, lines 5-67.

As per Claim 7:

Mandler further discloses;

wherein said representations and attributes include at least some of.

- (a) an address; Col. 6, lines 5-67.
  - (b) employment information; Col. 6, lines 5-67.
  - (c) information from one or more other entities needed for service provisioning;
- and (d) an authorization from another party. Col. 6, lines 5-67.

As per Claim 8:

Mandler further discloses;

modifying the registration of the subscriber entity at the principal entity. Col. 7,  
lines 1-52.

As per Claims 9, 45 and 48:

Mandler further discloses;

moving the registration for service from the principal entity to another entity of  
said plurality of entities. Fig. 1-B

As per Claims 10, 44 and 47:

Mandler further discloses;

operating cryptographically supported transaction involving the subscriber entity,  
the principal entity and possibly one or more additional entities. Col. 5, lines 60-65.

As per Claim 11:

Mandler further discloses;

wherein the subscriber entity comprises a plurality of elements. Col. 6,  
lines 54-65.

As per claim 12:

Mandler further discloses;

wherein the plurality of elements are associated with an entity. Col. 6,  
lines 54-65.

As per Claim 13:

Mandler further discloses;

wherein said service is a subset of a totality of services. Col. 6, lines 5-21.

As per Claim 14:

Mandler discloses the claimed invention, as discussed above, except for the step of wherein said service is a warranty service. It would have been an obvious matter of design choice to modify the teachings of Mandler, to provide the step of wherein said service is warranty service. Since the applicant has not disclosed that where the service is warranty service solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the invention would perform equally well whether the service was for repair, upgrade, replacement, etc., naming a service a warranty service does not make it statutory or unique.

As per Claim 15:

Mandler further discloses;

wherein another subset of the totality of services to the subscriber entity is provided by an entity different from the principal entity. Col. 18, lines 1-10.

As per Claim 16:

Mandler further discloses;

wherein the subscriber entity can modify the subset of totality of services between entities. Col. 7, lines 17-52.

As per Claim 17:

Mandler discloses the claimed invention except for wherein modification is supervised by one or more authorities. It would have been obvious to one have ordinary skill in the art at the time the invention was made to designate the clearinghouse as a supervising authority since it was known in the art that the entity providing the authorization for transactions is a supervising authority. .

As per Claim 18:

Mandler discloses the claimed invention except for wherein moving of services is supervised by one or more authorities. It would have been obvious to one have ordinary skill in the art at the time the invention was made to designate the clearinghouse as a supervising authority since it was known in the art that the entity providing the

authorization for transactions is a supervising authority wherein moving of services is supervised by one or more authorities.

As per Claim 19:

Mandler further discloses;  
wherein provision of service may involve an additional entity from the said plurality of entities. Col. 18, lines 1-10

As per Claim 20:

Mandler further discloses;  
wherein provision of service is split between said principal entity and said additional entity. Col. 18, lines 1-10.

As per Claim 21:

Mandler further discloses;  
wherein provision of service by said principal entity on behalf of said subscriber entity is given by said operating infrastructure to an entity within said plurality of entities. Col. 9, lines 48-60.

As per Claim 22:

Mandler further discloses;  
wherein said provision of service by said principal entity involves other entities  
within said plurality of entities. Col. 9, lines 33-46.

As per Claim 23:

Mandler further discloses;  
wherein said warranty service involves correctness of representation of  
information. Col. 4, lines 20-63.

As per Claim 24:

Mandler further discloses;  
wherein said representation of information is at least one of. (a) identity  
information, (b) financial information; and (c) information derived from provision of  
service within said infrastructure. Col. 3, lines 32-65.

As per Claim 25:

Mandler further discloses;  
wherein the infrastructure includes a mechanism to initiate claims against failed  
warranty. Col. 8, lines 1-15.

As per Claim 26:

Mandler further discloses;

wherein provision of service involves control of access. Col. 7, lines 39-67.

As per Claim 27:

Mandler further discloses;

wherein at least one of said plurality of entities is an enterprise. Col. 4, lines 43-55.

As per Claim 28:

Mandler further discloses;

wherein at least one of said plurality of entities is a financial institute. Col. 4, lines 30-40.

As per Claim 29:

Mandler discloses the claimed invention, as discussed above, except for the step of wherein said principal entity is a group of elementary entities. It would have been an obvious matter of design choice to modify the teachings of Mandler to provide the step of wherein said principal entity is a group of elementary entities. Since the applicant has not disclosed that wherein said principal entity is a group of elementary entities solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the invention would perform

equally well whether the entity was elementary, primary, secondary, etc. Naming an entity as elemental does not make it statutory or unique.

As per Claim 30:

Mandler further discloses;  
wherein said provision of service by said principal entity is directed by said subscriber entity. Col. 7, lines 20-37.

As per Claim 31:

Mandler further discloses;  
wherein registration modification transactions involve managing capabilities.  
Col. 6, lines 5-67.

As per Claim 33:

providing, by the principal entity, at least one of a set of various service transactions to the subscriber entity. Col. 6, lines 5-53.

As per Claim 35:

Mandler further discloses;  
wherein at least one of said service transactions involves assuring an entity's state. Col. 6, lines 5-53.

As per Claim 36:

Mandler further discloses;

wherein at least one of said service transactions involves assuring financial information. Col. 6, lines 44-53.

As per Claim 37:

Mandler further discloses;

wherein at least one of said service transactions involves assurance of identity and assurance of entity's state. Col. 6, lines 5-21.

As per Claim 38:

Mandler further discloses;

wherein some of said plurality of entities is supervised by one or more other entities in at least one transaction. Col. 9, lines 1-11.

As per Claim 39:

Mandler further discloses;

wherein service involves a fee based on service agreement and contract. Col. 8, lines 1-15.

As per Claim 40:

Mandler further discloses;

wherein added management and one or more additional entities assure integrity of transactions within the infrastructure. Col. 8, lines 20-35.

As per Claim 41:

Mandler further discloses;

wherein integrity of the management function is enhanced by providing two or more independent reports. Col.10, lines 27-52.

As per Claim 42:

Mandler further discloses;

wherein the management function controls actions of assurance offering entities on a per transaction basis. Col. 6, lines 5-53.

***Claim Rejections - 35 USC § 103***

2. Claims 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mandler et al. US 5,732,400 as applied to claims 1-31, 33 and 35-42 above, and further in view of Rosen US 6,336,095 [Rosen]

As per Claim 32:

Mandler discloses the claimed invention except for the wherein registration modification transactions involve cryptographic key management. However, Mandler does teach using known authentication and encryption systems. Rosen teaches that it is known to have registration modification transactions involving cryptographic key management. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate registration modification transactions that involve cryptographic key management as taught by Rosen, since Rosen states at Col.1, lines 65-67 and Col. 2, lines 1-2 that such a modification would allow customers to buy electronic merchandise or services on demand without enrolling in an electronic community.

As per Claim 34:

Mandler discloses the claimed invention except for the wherein said providing involves the certification of digital identities. However, Mandler does teach using known authentication and encryption systems. Rosen teaches that it is known to have certification of digital identities. It would have been obvious to one having ordinary

skill in the art at the time the invention was made to incorporate wherein said providing involves the certification of digital identities as taught by Rosen, since Rosen states at Col. 10, lines 35-67 that such a modification would provide a network of trusted servers to without enrolling in an electronic community.

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 571-272-6707. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel L. Greene  
Examiner  
Art Unit 3621

9/8/2005

A handwritten signature in black ink. The name "Daniel L. Greene" is written in a cursive style above the title "Primary Examiner" and the identifier "Art Unit 3621". Below the signature, the number "3621" is written vertically.